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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Letter dated 27 March 1997 from the delegate of the International Organizations Division of the International Committee of the Red Cross addressed to the secretariat of the Commission on Human Rights

FIRST YEAR OF ACTIVITIES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS ADVISORY SERVICE ON INTERNATIONAL HUMANITARIAN LAW

1. The search for mechanisms to ensure better observance of the 1949 Geneva Conventions and their 1977 Additional Protocols is at the centre of the debate on international humanitarian law. It is an ongoing concern of the International Committee of the Red Cross. Among these mechanisms, the implementation of international humanitarian law at national level is of special significance. To ensure effective implementation, and thereby better observance of the rules of international humanitarian law, international initiatives must be accompanied by the adoption of legislative, regulatory and practical measures for the implementation of that law at national level as soon as peace is established.

2. At the end of 1995, the International Committee of the Red Cross set up an Advisory Service on International Humanitarian Law to better assist States in fulfilling their obligations to implement international humanitarian law at national level. This initiative was taken pursuant to the recommendations adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent (Geneva, December 1995).

Purpose of the Advisory Service on International Humanitarian Law

3. The purpose of the Advisory Service is to ensure that all States parties to humanitarian treaties have a national legislative and administrative structure in keeping with the requirements of those treaties. Its mandate is thus to support the efforts of competent national authorities to set up such a

structure by providing them with practical advice and technical assistance. This involves working closely with Governments and taking account of their specific needs, as well as their respective political and legal systems. The Service responds to requests for advice and also offers assistance on its own initiative.

Areas of activity

4. Advice and technical assistance are provided in particular in the following areas:

(a) Promotion of international humanitarian law treaties in order to strengthen their universality and assistance with the ratification of and/or accession to those treaties;

(b) Translation of 1949 Geneva Conventions and the 1997 Additional Protocols into national languages;

(c) Incorporation of international humanitarian law in national law, where necessary;

(d) Adoption of criminal legislation to enable war criminals and other violators of humanitarian law to be brought to justice;

(e) Adoption by all States of national legislation governing the use of protective emblems and penalizing misuse of them;

(f) Integration of instruction in international humanitarian law in official training programmes.

5. Universal participation in humanitarian treaties, the punishment of war crimes at national level and full regulation of the use of protective emblems are considered as of particular importance in ensuring better observance of humanitarian law. These have been identified as areas for priority action by the Advisory Service.

National mechanisms for international humanitarian law

6. The measures which States must take to meet their treaty obligations are varied and complex. They involve many areas of State activity and affect many sectors of public life. Regular consultations and cooperation among various ministers, branches of the administration and other entities are required.

7. In view of this fact, in 1996, special emphasis was placed on promoting the creation of specific national bodies in the form of interministerial working groups, committees or commissions. Experience has shown that setting up such specific bodies promotes genuine progress towards national implementation of humanitarian law.

8. The Advisory Service has endeavoured to advise Governments wishing to set up a specific humanitarian law body and works closely with them in implementing the necessary measures.

Meeting of experts

9. With the same end in view, a Meeting of experts on committees or other bodies for the national implementation of international humanitarian law was held in Geneva from 23 to 25 October 1996. The aim of the meeting was to enable government experts and representatives of national Red Cross and Red Crescent Societies to exchange information and views on national mechanisms for the implementation of international humanitarian law in the various regions of the world. It was also intended to encourage sharing of the experience of specific national humanitarian law bodies and to help establish contacts and working links between those bodies and the ICRC Advisory Service. Experts from more than 70 countries of the five continents and 35 national Red Cross and Red Crescent Societies spent two days discussing technical questions in an informal setting. The conclusions reached in those discussions showed clearly that the experts present were unanimous in recognizing the usefulness, not to say the necessity, of having a specific national mechanism to coordinate and facilitate the implementation of humanitarian law. 1/

Documentation Centre

10. The Advisory Service also facilitates exchanges of information in the field of national implementation of humanitarian law. An inventory of information collected on the laws and regulations for implementation and on activities for the dissemination and teaching of humanitarian law is compiled in the Advisory Service Documentation Centre at ICRC headquarters in Geneva. The Centre, which is open to government representatives, national Societies, interested institutions and researchers, is able to provide a wide range of legal material on the national implementation of humanitarian law.

Annual reports

11. To ensure the exchange of information on legislative developments in individual countries, the Advisory Service will prepare annual reports for States, the first of which will be available shortly.

12. The activities of the ICRC Advisory Service unquestionably complement those of the United Nations Centre for Human Rights, to which ICRC wishes to pay tribute. The Service will ensure that its activities are coordinated with those of the Centre so that they complement one another and so as to avoid any duplication of effort in assisting States with the implementation of human rights and humanitarian law.

(Signed) Dominique Borel
Delegate
International Organizations Division

1/ A report on this meeting will be available by the end of April 1997 from the ICRC Advisory Service.